

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

JUDGE BUCHWALD

Interocean Coal Sales, LDC

Plaintiff

Civil Action No.

11 CIV 0940

v.
EVONIK Trading GmbH, an alien corporation,
EVONIK Degussa Corp., an Alabama corp.,
EVONIK Industries, AG, an alien corp.,
EVONIK Steag GmbH, an alien corp.
Defendant

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

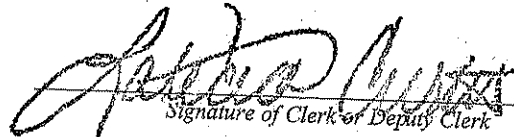
EVONIK Trading GmbH
EVONIK DE GUSSA Corporation
EVONIK Industries, AG.
EVONIK Steag GmbH
c/o EVONIK Degussa Corp.
4201 Degussa Road, Theodore, AL 36582

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK
CLERK OF COURT


Signature of Clerk or Deputy Clerk

Date: FEB 10 2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTEROCEAN COAL SALES, LDC.,

AFFIDAVIT OF SERVICE
Civil Action No: 11 CIV 0940

Plaintiff,

- against -

EVONIK TRADING GMBH, an alien Corporation,
EVONIK DEGUSSA CORPORATION, an Alabama
Corp., EVONIK INDUSTRIES, AG, an Alien Corp
and EVONIK STEAG GMBH, a Alien Corp.,

Defendants.

STATE OF NEW YORK)
) ss.:
QUEENS COUNTY)

Shantau Panton, being duly sworn, deposes and says: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New York.

On February 14th, 2011, at approximately 4:15 pm, at The offices of CT Corporation, Registered Agents for Evonik Degussa Corporation, 111 Eighth Avenue, 13th Floor, New York, NY 10011, Deponent served the within Summons in a Civil Action, Complaint, Rule 7.1 Statement, Individual Practices of Magistrate Judge Gabriel W. Gorenstein, Individual Practices of Naomi Reice Buchwald United States District Judge, upon: **Evonik Degussa Corporation**, by delivering to and leaving with Aixa Flores, Process Specialist, a true and correct copy of said documents. At the time of said service, Aixa Flores, stated that she is duly authorized to accept service of legal documents on behalf of CT Corporation as Registered Agents for Evonik Degussa Corporation.

Aixa Flores, is described as a Hispanic female, approximately 32-38 yrs. of age, 120-130 lbs., 5'4"-5'5" tall, has reddish hair and wears glasses.

S. Panton

Shantau Panton

Sworn to before me this
16th Day of February, 2010

Katherine S. Jackson
Notary Public

Katherine S. Jackson, Notary Public
State of New York, #01JA5083189
Qual. in Queens Cty; New York Cty
Commission Expires November 17, 2013